

BREAKING BREAKING THE CYCLE

breaking the cycle of alcohol abuse,
violence and anti-social
behaviour

Fact Sheet 2 Antisocial Behaviour (Miscellaneous Amendments) Bill 2005

Key features of the Bill

- Introduce a new form of dry or restricted private premises (Fact Sheet 2);
- New acceptable behaviour agreements for public housing tenants who engage in antisocial behaviour (Fact Sheet 3);
- People affected by antisocial behaviour can make an application to the Court for eviction of tenants for unacceptable behaviour (Fact Sheet 3).

Amendment of *Liquor Act*: Restricted Premises

The existing provisions in the *Liquor Act* allow the Licensing Commission to declare an area of land a dry or restricted area.

The new law will allow the Commission to make a declaration that prohibits the consumption or possession at private premises.

Private premises includes privately owned land and houses, rented premises, land and buildings open to and used by the public such as shopping centres, churches, hospitals and schools.

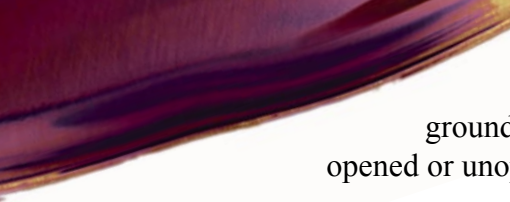
An application for private premises to be declared as dry can be made by the owner or occupier of the premises or their representative. An interested person can also make an application in relation to premises that are open to and used by the public. This will allow a person living or working in the neighbourhood, or a community based organisation whose activities are connected with the neighbourhood, or a police officer, to make an application for a declaration.

When the Commission is deciding to make a declaration it must consult with the owners, occupiers, Police and the applicant and make a decision that accords with the wishes of the majority of the occupants. In relation to an application by an 'interested person' for a declaration in relation to private premises that are open to and used by the public, the Commission must be satisfied that making the declaration is in the public interest, and in making the decision it can take into account the objectives of the *Liquor Act* regarding the minimisation of harm associated with the consumption of alcohol.

When a declaration is made the Commission must arrange for a sign to be placed at the premises that includes information about the declaration and penalties for failure to comply with the declaration.

When a declaration is in force it is an offence to consume, or possess alcohol at the premises. The penalty for the offence is forfeiture of the alcohol. In addition a maximum fine of \$500 may be imposed through court action or infringement notice.





The Police will have the power to enter and search premises, and persons at the premises, without a warrant if they believe on reasonable grounds that a person has contravened a declaration. The Police may seize any opened or unopened containers of alcohol found at the premises.

Amendment of *Liquor Act*: Prohibition orders

The Bill will repeal the existing provisions in section 122 of the *Liquor Act* in relation to prohibition orders as they will be replaced by new provisions contained in the Alcohol Court Bill.

The Bill proposes amendments to the *Liquor Act* to ensure consistency with the new provisions in the Alcohol Court Bill.

When the Alcohol Court makes a prohibition order it must give the Director of Licensing a copy of the order, and a notice that contains information about the order and the licensee's obligations to take reasonable steps to ensure that the person does not enter or remain at licensed premises, or is supplied with alcohol, other than in accordance with the conditions of the order.

It will be a condition of all licenses that a licensee must comply with a prohibition order that is given to them by the Director of Licensing.

It will not be necessary for the Director to notify all licensees of every prohibition order. The legislation would only require the Director to notify licensees most likely to be affected by the order, or licensees that the Alcohol Court has directed should be notified of the order.

